

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

IGNACIO LOPEZ SERRATO,

Plaintiff,

v.

CLINICA SIERRA VISTA, et al.,

Defendants.

Case No. 1:22-cv-00076-AWI-SKO

**ORDER DIRECTING THE CLERK OF
COURT TO CLOSE THE CASE**

(Doc. 5)

On March 2, 2022, Plaintiff filed a notice voluntarily dismissing their case. (Doc. 5.) In relevant part, Rule 41(a)(1)(A) provides as follows:

[A] plaintiff may dismiss an action without a court order by filing: (i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment; or (ii) a stipulation of dismissal signed by all parties who have appeared.

Fed. R. Civ. P. 41(a)(1)(A). Rule 41(a)(1)(B) provides further that “[u]nless the notice or stipulation states otherwise, the dismissal is without prejudice.” Fed. R. Civ. P. 41(a)(1)(B).

Plaintiff filed the voluntary dismissal before the opposing parties served either an answer or a motion for summary judgment. As such, Plaintiff has voluntarily dismissed this matter without prejudice pursuant to Federal Rules of Civil Procedure 41(a)(1)(A)(i) and (1)(B). The Court therefore DIRECTS the Clerk of Court to close this case.

IT IS SO ORDERED.

Dated: **March 3, 2022**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE